

By Senator Baxley

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1 A bill to be entitled
2 An act relating to school turnaround; amending s.
3 1008.33, F.S.; revising the criteria for schools that
4 are deemed to be in need of intervention and support;
5 providing that a school district may request to change
6 a turnaround option after the first year of
7 implementation; authorizing the school district to
8 request additional time to implement a turnaround
9 option only if certain conditions are met; providing
10 new requirements for schools that complete a district-
11 managed turnaround plan and do not improve;
12 authorizing the State Board of Education to revoke a
13 turnaround plan when the school district has failed to
14 follow the terms or meet the requirements of its
15 approved plan; amending s. 1011.62, F.S.; clarifying
16 provisions related to the turnaround school
17 supplemental services allocation; amending ss.
18 1002.33, 1002.332, and 1002.333, F.S.; conforming
19 cross-references; providing an effective date.

20
21 Be It Enacted by the Legislature of the State of Florida:

22
23 Section 1. Subsections (3) and (4) of section 1008.33,
24 Florida Statutes, are amended to read:

25 1008.33 Authority to enforce public school improvement.—

26 (3) (a) The academic performance of all students has a
27 significant effect on the state school system. Pursuant to Art.
28 IX of the State Constitution, which prescribes the duty of the
29 State Board of Education to supervise Florida's public school

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30 system, the state board shall equitably enforce the
31 accountability requirements of the state school system and may
32 impose state requirements on school districts in order to
33 improve the academic performance of all districts, schools, and
34 students based upon the provisions of the Florida K-20 Education
35 Code, chapters 1000-1013; the federal ESEA and its implementing
36 regulations; and the ESEA flexibility waiver approved for
37 Florida by the United States Secretary of Education.

38 (b) The Department of Education shall annually identify
39 each public school in need of intervention and support to
40 improve student academic performance. A deficient and failing
41 school is a school that earns ~~All schools earning~~ a grade of "D"
42 or "F" pursuant to s. 1008.34 and needs ~~are schools in need of~~
43 intervention and support.

44 (c) The state board shall adopt by rule a differentiated
45 matrix of intervention and support strategies for assisting
46 traditional public schools identified under this section and
47 rules for implementing s. 1002.33(9)(n), relating to charter
48 schools. The intervention and support strategies must address
49 student performance and may include improvement planning;
50 leadership quality improvement; educator quality improvement;
51 professional development; curriculum review, pacing, and
52 alignment across grade levels to improve background knowledge in
53 social studies, science, and the arts; and the use of continuous
54 improvement and monitoring plans and processes. In addition, the
55 state board may prescribe reporting requirements to review and
56 monitor the progress of the schools. The rule must define the
57 intervention and support strategies for school improvement for
58 schools earning a grade of "D" or "F" and the roles for the

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59 district and department.

60 (4) (a) The state board shall apply intensive intervention
61 and support strategies tailored to the needs of schools earning
62 two consecutive grades of "D" or a grade of "F." In the first
63 full school year after a school initially earns two consecutive
64 grades of "D" or a grade of "F," the school district must
65 immediately implement intervention and support strategies
66 prescribed in rule under paragraph (3) (c) and, by September 1,
67 provide the department with the memorandum of understanding
68 negotiated pursuant to s. 1001.42(21) and, by October 1, a
69 district-managed turnaround plan for approval by the state
70 board. The district-managed turnaround plan may include a
71 proposal for the district to implement an extended school day, a
72 summer program, or a combination of an extended school day and a
73 summer program. Upon approval by the state board, the school
74 district shall ~~must~~ implement the plan for the remainder of the
75 school year, and continue the plan for 1 full school year, or
76 the district may request to change a turnaround option after the
77 first year of implementation. The state board may allow a school
78 an additional year of implementation before the school must
79 implement a turnaround option required under paragraph (c) ~~(b)~~
80 if it determines that the school is likely to improve to a grade
81 of "C" or higher after the first full school year of
82 implementation.

83 (b) A district may request additional time only if the
84 following conditions are met; however, the State Board of
85 Education is not required to grant any such request:

86 1. The request demonstrates that the school has a positive
87 trajectory using the school grade components specified in s.

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88 1008.34(3)(b);

89 2. The request demonstrates that the school that is the
90 subject of the school improvement plan does not have any
91 instructional personnel who have received an unsatisfactory
92 evaluation and that the percentage of such personnel who have
93 received an evaluation of needs improvement is at or below the
94 Florida Value-Added Model (VAM) average if the district has more
95 than five schools, or the state VAM average where the district
96 has five or fewer schools;

97 3. During the remainder of the implementation of the
98 turnaround plan, the district agrees to staff the school without
99 any instructional personnel who have received an unsatisfactory
100 evaluation and to maintain or improve the school's percentage of
101 such personnel who have received a needs improvement evaluation;
102 and

103 4. The request includes a description of the services that
104 will be implemented to ensure the sustainability of improvement
105 during the next year and thereafter.

106 (c) ~~(b)~~ Unless an additional year of implementation is
107 provided pursuant to paragraph (a), a school that completes a
108 district-managed turnaround plan cycle and does not improve to
109 at least a grade of "C" or higher ~~earns three consecutive grades~~
110 ~~below a "C"~~ must implement one of the following:

111 1. Upon the recommendation of the Commissioner of
112 Education, the state board may choose to allow the school
113 district to close the school, reassign students to another
114 school with a school grade of "C" or higher, and monitor the
115 progress of each reassigned student for 3 school years;

116 2. ~~Close the school and reopen~~ Repurpose the school as one

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117 or more charter schools, each with a governing board that has a
118 demonstrated record of effectiveness; or

119 3. Enter into an annual performance contract with an
120 external operator ~~outside entity~~ that has a demonstrated record
121 of effectiveness to operate the school. An external operator
122 ~~outside entity~~ may include a provider authorized by the State
123 University System or Florida College System or a district-
124 managed charter school in which all instructional personnel are
125 not employees of the school district, but are employees of an
126 independent governing board composed of members who did not
127 participate in the review or approval of the charter.

128 ~~(d)-(e)~~ During the first year of implementation of a
129 turnaround option, the district may request a new turnaround
130 option. Implementation of the turnaround option is no longer
131 required if the school improves to a grade of "C" or higher.

132 ~~(e)-(d)~~ If a school ~~earning two consecutive grades of "D" or~~
133 ~~a grade of "F"~~ does not improve to a grade of "C" or higher
134 after 2 school years of implementing the turnaround option
135 selected by the school district under paragraph (c) ~~(b)~~, the
136 school district must implement another turnaround option.
137 Implementation of the turnaround option must begin the school
138 year following the implementation period of the existing
139 turnaround option, unless the state board determines that the
140 school is likely to improve to a grade of "C" or higher if
141 additional time is provided to implement the existing turnaround
142 option.

143 The state board may revoke a turnaround plan when a
144 district has failed to follow the terms of its approved plan or
145 to meet the requirements of the plan. Prior to revocation, the

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146 state board shall consider any curative action taken or proposed
147 by the district and the feasibility of improving performance
148 under the plan during the remainder of the approval period. Upon
149 revocation, the state board may require a district to submit a
150 new plan or select a new turnaround option.

151 Section 2. Subsection (21) of section 1011.62, Florida
152 Statutes, is amended to read:

153 1011.62 Funds for operation of schools.—If the annual
154 allocation from the Florida Education Finance Program to each
155 district for operation of schools is not determined in the
156 annual appropriations act or the substantive bill implementing
157 the annual appropriations act, it shall be determined as
158 follows:

159 (21) TURNAROUND SCHOOL SUPPLEMENTAL SERVICES ALLOCATION.—
160 The turnaround school supplemental services allocation is
161 created to provide district-managed turnaround schools, as
162 identified in s. 1008.33(4)(a), schools implementing a charter
163 or an external operator turnaround option, that earn three
164 consecutive grades below a "C," as identified in s.
165 1008.33(4)(c)3. ~~s. 1008.33(4)(b)3.~~, and schools that have
166 improved to a "C" or higher and are no longer in turnaround
167 status, as identified in s. 1008.33(4)(d) ~~s. 1008.33(4)(c)~~, with
168 funds to offer services designed to improve the overall academic
169 and community welfare of the schools' students and their
170 families.

171 (a)1. Services funded by the allocation may include, but
172 are not limited to, tutorial and after-school programs, student
173 counseling, nutrition education, parental counseling, and an
174 extended school day and school year. In addition, services may

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175 include models that develop a culture that encourages students
176 to complete high school and to attend college or career
177 training, set high academic expectations, and inspire character
178 development.

179 2. A school district may enter into a formal agreement with
180 a nonprofit organization that has tax-exempt status under s.
181 501(c)(3) of the Internal Revenue Code to implement an
182 integrated student support service model that provides students
183 and families with access to wrap-around services, including, but
184 not limited to, health services, after-school programs, drug
185 prevention programs, college and career readiness programs, and
186 food and clothing banks.

187 (b) Before distribution of the allocation, the school
188 district shall develop and submit a plan for implementation to
189 its school board for approval no later than August 1 of each
190 fiscal year.

191 (c) At a minimum, the plan required under paragraph (b)
192 must:

193 1. Establish comprehensive support services that develop
194 family and community partnerships;

195 2. Establish clearly defined and measurable high academic
196 and character standards;

197 3. Increase parental involvement and engagement in the
198 child's education;

199 4. Describe how instructional personnel will be identified,
200 recruited, retained, and rewarded;

201 5. Provide professional development that focuses on
202 academic rigor, direct instruction, and creating high academic
203 and character standards;

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204 6. Provide focused instruction to improve student academic
205 proficiency, which may include additional instruction time
206 beyond the normal school day or school year; and

207 7. Include a strategy for continuing to provide services
208 after the school is no longer in turnaround status by virtue of
209 achieving a grade of "C" or higher.

210 (d) Each school district shall submit its approved plans to
211 the commissioner by September 1 of each fiscal year.

212 (e) Subject to legislative appropriation, each school
213 district's allocation must be based on the unweighted FTE
214 student enrollment at the eligible schools and a per-FTE funding
215 amount of \$500 or as provided in the General Appropriations Act.
216 The supplement provided in the General Appropriations Act shall
217 be based on the most recent school grades and shall serve as a
218 proxy for the official calculation. Once school grades are
219 available for the school year immediately preceding the fiscal
220 year coinciding with the appropriation, the supplement shall be
221 recalculated for the official participating schools as part of
222 the subsequent FEFP calculation. The commissioner may prepare a
223 preliminary calculation so that districts may proceed with
224 timely planning and use of the funds. If the calculated funds
225 for the statewide allocation exceed the funds appropriated, the
226 allocation of funds to each school district must be prorated
227 based on each school district's share of the total unweighted
228 FTE student enrollment for the eligible schools.

229 (f) Subject to legislative appropriation, each school shall
230 remain eligible for the allocation for a maximum of 4 continuous
231 fiscal years while implementing a turnaround option pursuant to
232 s. 1008.33(4). In addition, a school that improves to a grade of

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233 "C" or higher shall remain eligible to receive the allocation
234 for a maximum of 2 continuous fiscal years after exiting
235 turnaround status.

236 Section 3. Paragraph (n) of subsection (9) of section
237 1002.33, Florida Statutes, is amended to read:

238 1002.33 Charter schools.—

239 (9) CHARTER SCHOOL REQUIREMENTS.—

240 (n)1. The director and a representative of the governing
241 board of a charter school that has earned a grade of "D" or "F"
242 pursuant to s. 1008.34 shall appear before the sponsor to
243 present information concerning each contract component having
244 noted deficiencies. The director and a representative of the
245 governing board shall submit to the sponsor for approval a
246 school improvement plan to raise student performance. Upon
247 approval by the sponsor, the charter school shall begin
248 implementation of the school improvement plan. The department
249 shall offer technical assistance and training to the charter
250 school and its governing board and establish guidelines for
251 developing, submitting, and approving such plans.

252 2.a. If a charter school earns three consecutive grades
253 below a "C," the charter school governing board shall choose one
254 of the following corrective actions:

255 (I) Contract for educational services to be provided
256 directly to students, instructional personnel, and school
257 administrators, as prescribed in state board rule;

258 (II) Contract with an outside entity that has a
259 demonstrated record of effectiveness to operate the school;

260 (III) Reorganize the school under a new director or
261 principal who is authorized to hire new staff; or

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262 (IV) Voluntarily close the charter school.

263 b. The charter school must implement the corrective action
264 in the school year following receipt of a third consecutive
265 grade below a "C."

266 c. The sponsor may annually waive a corrective action if it
267 determines that the charter school is likely to improve a letter
268 grade if additional time is provided to implement the
269 intervention and support strategies prescribed by the school
270 improvement plan. Notwithstanding this sub-subparagraph, a
271 charter school that earns a second consecutive grade of "F" is
272 subject to subparagraph 3.

273 d. A charter school is no longer required to implement a
274 corrective action if it improves to a "C" or higher. However,
275 the charter school must continue to implement strategies
276 identified in the school improvement plan. The sponsor must
277 annually review implementation of the school improvement plan to
278 monitor the school's continued improvement pursuant to
279 subparagraph 4.

280 e. A charter school implementing a corrective action that
281 does not improve to a "C" or higher after 2 full school years of
282 implementing the corrective action must select a different
283 corrective action. Implementation of the new corrective action
284 must begin in the school year following the implementation
285 period of the existing corrective action, unless the sponsor
286 determines that the charter school is likely to improve to a "C"
287 or higher if additional time is provided to implement the
288 existing corrective action. Notwithstanding this sub-
289 subparagraph, a charter school that earns a second consecutive
290 grade of "F" while implementing a corrective action is subject

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291 to subparagraph 3.

292 3. A charter school's charter contract is automatically
293 terminated if the school earns two consecutive grades of "F"
294 after all school grade appeals are final unless:

295 a. The charter school is established to turn around the
296 performance of a district public school pursuant to s.
297 1008(4)(c)2 ~~s. 1008.33(4)(b)2~~. Such charter schools shall be
298 governed by s. 1008.33;

299 b. The charter school serves a student population the
300 majority of which resides in a school zone served by a district
301 public school subject to s. 1008.33(4) and the charter school
302 earns at least a grade of "D" in its third year of operation.
303 The exception provided under this sub-subparagraph does not
304 apply to a charter school in its fourth year of operation and
305 thereafter; or

306 c. The state board grants the charter school a waiver of
307 termination. The charter school must request the waiver within
308 15 days after the department's official release of school
309 grades. The state board may waive termination if the charter
310 school demonstrates that the Learning Gains of its students on
311 statewide assessments are comparable to or better than the
312 Learning Gains of similarly situated students enrolled in nearby
313 district public schools. The waiver is valid for 1 year and may
314 only be granted once. Charter schools that have been in
315 operation for more than 5 years are not eligible for a waiver
316 under this sub-subparagraph.

317

318 The sponsor shall notify the charter school's governing board,
319 the charter school principal, and the department in writing when

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320 a charter contract is terminated under this subparagraph. A
321 charter terminated under this subparagraph must follow the
322 procedures for dissolution and reversion of public funds
323 pursuant to paragraphs (8)(d)-(f) and (9)(o).

324 4. The director and a representative of the governing board
325 of a graded charter school that has implemented a school
326 improvement plan under this paragraph shall appear before the
327 sponsor at least once a year to present information regarding
328 the progress of intervention and support strategies implemented
329 by the school pursuant to the school improvement plan and
330 corrective actions, if applicable. The sponsor shall communicate
331 at the meeting, and in writing to the director, the services
332 provided to the school to help the school address its
333 deficiencies.

334 5. Notwithstanding any provision of this paragraph except
335 sub-subparagraphs 3.a.-c., the sponsor may terminate the charter
336 at any time pursuant to subsection (8).

337 Section 4. Paragraph (b) of subsection (1) of section
338 1002.332, Florida Statutes, is amended to read:

339 1002.332 High-performing charter school system.-

340 (1) For purposes of this section, the term:

341 (b) "High-performing charter school system" means an entity
342 that:

343 1. Operated at least three high-performing charter schools
344 in the state during each of the previous 3 school years;

345 2. Operated a system of charter schools in which at least
346 50 percent of the charter schools were high-performing charter
347 schools pursuant to s. 1002.331 and no charter school earned a
348 school grade of "D" or "F" pursuant to s. 1008.34 in any of the

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349 previous 3 school years regardless of whether the entity
350 currently operates the charter school, except that:

351 a. If the entity assumed operation of a public school
352 pursuant to s. 1008.33(4)(c)2 ~~s. 1008.33(4)(b)2~~. with a school
353 grade of "F," that school's grade may not be considered in
354 determining high-performing charter school system status for a
355 period of 3 years.

356 b. If the entity established a new charter school that
357 served a student population the majority of which resided in a
358 school zone served by a public school that earned a grade of "F"
359 or three consecutive grades of "D" pursuant to s. 1008.34, that
360 charter school's grade may not be considered in determining
361 high-performing charter school system status if it attained and
362 maintained a school grade that was higher than that of the
363 public school serving that school zone within 3 years after
364 establishment; and

365 3. Did not receive a financial audit that revealed one or
366 more of the financial emergency conditions set forth in s.
367 218.503(1) for any charter school assumed or established by the
368 entity in the most recent 3 fiscal years for which such audits
369 are available.

370 Section 5. Paragraph (d) of subsection (1) and subsection
371 (2) of section 1002.333, Florida Statutes, is amended to read:

372 1002.333 Persistently low-performing schools.—

373 (1) DEFINITIONS.—As used in this section, the term:

374 (d) "School of hope" means:

375 1. A charter school operated by a hope operator which:

376 a. Serves students from one or more persistently low-
377 performing schools and students who reside in a Florida

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378 Opportunity Zone;

379 b. Is located in a Florida Opportunity Zone or in the
380 attendance zone of a persistently low-performing school or
381 within a 5-mile radius of such school, whichever is greater; and

382 c. Is a Title I eligible school; or

383 2. A school operated by a hope operator pursuant to s.
384 1008.33(4)(c)3 ~~s. 1008.33(4)(b)3~~.

385 (2) HOPE OPERATOR.—A hope operator is a nonprofit
386 organization with tax exempt status under s. 501(c)(3) of the
387 Internal Revenue Code that operates three or more charter
388 schools that serve students in grades K-12 in Florida or other
389 states with a record of serving students from low-income
390 families and is designated by the State Board of Education as a
391 hope operator based on a determination that:

392 (a) The past performance of the hope operator meets or
393 exceeds the following criteria:

394 1. The achievement of enrolled students exceeds the
395 district and state averages of the states in which the
396 operator's schools operate;

397 2. The average college attendance rate at all schools
398 currently operated by the operator exceeds 80 percent, if such
399 data is available;

400 3. The percentage of students eligible for a free or
401 reduced price lunch under the National School Lunch Act enrolled
402 at all schools currently operated by the operator exceeds 70
403 percent;

404 4. The operator is in good standing with the authorizer in
405 each state in which it operates;

406 5. The audited financial statements of the operator are

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407 free of material misstatements and going concern issues; and

408 6. Other outcome measures as determined by the State Board
409 of Education;

410 (b) The operator was awarded a United States Department of
411 Education Charter School Program Grant for Replication and
412 Expansion of High-Quality Charter Schools within the preceding 3
413 years before applying to be a hope operator;

414 (c) The operator receives funding through the National Fund
415 of the Charter School Growth Fund to accelerate the growth of
416 the nation's best charter schools; or

417 (d) The operator is selected by a district school board in
418 accordance with s. 1008.33.

419

420 An entity that meets the requirements of paragraph (b),
421 paragraph (c), or paragraph (d) before the adoption by the state
422 board of measurable criteria pursuant to paragraph (a) shall be
423 designated as a hope operator. After the adoption of the
424 measurable criteria, an entity, including a governing board that
425 operates a school established pursuant to s. 1008(4)(c)3 ~~s.~~
426 ~~1008.33(4)(b)3.~~, shall be designated as a hope operator if it
427 meets the criteria of paragraph (a).

428 Section 6. This act shall take effect July 1, 2020.